

**ASSEMBLY BILL**

**No. 469**

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**Introduced by Assembly Member Horton**

February 20, 2007

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An act to amend Sections 44203, 44225, 44227, 44332, 44340, and 44830.2 of, and to add Sections 44225.1 and 44340.1 to, the Education Code, relating to teacher credentialing.

LEGISLATIVE COUNSEL'S DIGEST

AB 469, as introduced, Horton. Teacher credentialing: applications: fingerprints.

(1) Existing law establishes in state government the Commission on Teacher Credentialing and requires the commission, among other things, to review and approve applications for and issue teaching and services credentials. Existing law authorizes a county or city and county board of education to issue temporary certificates for the purposes of authorizing salary payments to certified employees whose credential applications are being processed by the commission.

This bill would instead require an applicant for a temporary certificate to file his or her credential application directly with the county board of education and would require the board to review, approve, and electronically submit credential applications to the commission. The bill would require the commission to issue a credential to an applicant if the county board of education issued the applicant a temporary certificate and the board conducted a review of the applicant's credential application equivalent to the review conducted by an institution of higher education, as specified, and determined that the applicant meets all applicable requirements for issuance of the credential, as specified. The bill would declare the intent of the Legislature that the commission

not duplicate the efforts of county or city and county boards of education in reviewing and approving credential applications. The bill would require the commission to adopt regulations to implement those provisions.

(2) Existing law requires an institution of higher education whose teacher education program has been accredited by the commission to approve and electronically submit credential applications to the commission. Existing law requires the commission to issue credentials to those applicants based upon that approval.

This bill would require the commission to adopt regulations to implement those provisions. The bill would declare the intent of the Legislature that the commission not duplicate the efforts of institutions of higher education in reviewing and approving credential applications pursuant to those provisions.

(3) Existing law requires the Commission on Teacher Credentialing and local educational agencies to obtain criminal record summaries from the Department of Justice concerning applicants for teacher credentials prior to issuing credentials or temporary certificates.

This bill, instead, would require a county office of education to perform certain school personnel certification functions for school districts within its jurisdiction, including sending fingerprints to the Department of Justice and the Federal Bureau of Investigation, receiving reports of convictions of serious and violent felonies, reviewing criminal history records and reports of subsequent arrests from the Department of Justice and the Federal Bureau of Investigation, and maintaining common lists of persons eligible for employment. The bill also would require the county office of education to perform these functions for applicants for credentials. The bill would require the commission to adopt regulations to implement those provisions. The bill would also require the commission to develop procedures requiring applicants for teaching credentials to initiate all requests for criminal record summary information through the county office of education.

(4) Existing law requires each applicant for the renewal of a credential to submit personal identification cards, as specified, in conjunction with his or her application.

This bill instead would require each applicant for the renewal of a credential to submit personal identification cards to the county office of education, as specified. The bill would require the commission to adopt regulations to implement that provision.

(5) This bill would make other technical, clarifying, and conforming changes.

(6) By imposing additional duties on county offices of education with regard to reviewing credential applications and processing fingerprints and criminal record summaries, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 44203 of the Education Code is amended  
2 to read:

3 44203. In this chapter the following terms shall be defined as  
4 specified in this section:

5 (a) “Professional teacher certification requirements” means a  
6 policy of requiring each beginning teacher to complete a program  
7 of planned support and systematic assessment, as determined by  
8 the commission, as a condition for earning a professional teaching  
9 credential.

10 (b) “Beginning teacher support” means a combination of  
11 assistance, guidance, encouragement, and diagnostic assessment  
12 that helps the holders of preliminary teaching credentials to fulfill  
13 their professional responsibilities effectively during the first year  
14 or two years of classroom teaching, and that satisfies standards of  
15 support adopted by the commission.

16 (c) “Beginning teacher assessment” means a process that has  
17 been adopted or approved by the commission for measuring the  
18 performances of the holders of preliminary teaching credentials  
19 in order to help them improve, and to determine whether their  
20 performances satisfy the commission’s standards of performance  
21 for earning the professional teaching credential.

(d) "Authorization" means the designation that appears on a credential, certificate, or permit that identifies the subjects and circumstances in which the holder of the credential, certificate, or permit may teach, or the services which the holder may render in the public schools of this state.

(e) "Basic teaching credential" means either of the following:

(f) "*County board of education*" means a county or city and county board of education.

(1) A credential that authorizes the holder to teach the subjects named on the credential, and for which possession of a baccalaureate degree from a regionally accredited institution and completion of a professional preparation program that includes student teaching are minimum requirements.

(2) A clear designated subjects teaching credential that authorizes the holder to teach the subjects named on the credential on a full-time basis if the holder also possesses a baccalaureate degree from a regionally accredited institution and has passed the state basic skills proficiency test.

A basic teaching credential meets the prerequisite teaching credential requirement for any other teaching, specialist, or service credential the commission is authorized to issue.

SEC. 2. Section 44225 of the Education Code is amended to read:

44225. The commission shall do all of the following:

(a) Establish professional standards, assessments, and examinations for entry and advancement in the education profession. While the Legislature recognizes that the commission will exercise its prerogative to determine those requirements, it is the intent of the Legislature that standards, assessments, and examinations be developed and implemented for the following:

(1) The preliminary teaching credential, to be granted upon possession of a baccalaureate degree from a regionally accredited institution in a subject other than professional education, completion of an accredited program of professional preparation, and either successful passage of an examination or assessment that has been adopted or approved by the commission in the subject or subjects appropriate to the grade level to be taught, to include college level reading, writing, and mathematics skills, or completion of an accredited program of subject matter preparation and successful passage of the basic skills proficiency test as

1 provided for in Article 4 (commencing with Section 44250). The  
2 ~~commission~~ *An institution of higher education or a county board*  
3 *of education, as applicable*, shall uniformly consider the results  
4 of the basic skills proficiency test in conjunction with other  
5 pertinent information about the qualifications of each candidate  
6 for a preliminary credential, and may ~~award the~~ *approve an*  
7 *application for a* credential on the basis of the overall performance  
8 of a candidate as measured by several criteria of professional  
9 competence, provided that each candidate meets minimum  
10 standards set by the commission on each criterion. Upon  
11 application by a regionally accredited institution of higher  
12 education, the commission may categorically grant credit to  
13 coursework completed in an accredited program of professional  
14 preparation, as specified by this paragraph, by undergraduates of  
15 that institution, ~~where if~~ the commission finds there are adequate  
16 assurances of the quality of necessary undergraduate instruction  
17 in the liberal arts and in the subject area or areas to be taught.

18 (2) The professional teaching credential, to be granted upon  
19 successful passage of a state examination or assessment in the  
20 subject or subjects appropriate to the grade level to be taught, to  
21 include college level basic reading, writing, and mathematics skills,  
22 and completion of a period of beginning teacher support that  
23 includes assessments of ability to teach subject matter to pupils,  
24 ability to work well with pupils, classroom management, and  
25 instructional skills. A candidate who successfully passes the  
26 examination or assessment pursuant to paragraph (1) shall be  
27 deemed to have passed the state examination or assessment in the  
28 subject or subjects to be taught pursuant to this paragraph.

29 (b) Reduce and streamline the credential system to ensure  
30 teacher competence in the subject field or fields, while allowing  
31 greater flexibility in staffing local schools. ~~The commission shall~~  
32 ~~award~~ *An institution of higher education or a county board of*  
33 *education, as applicable, shall approve applications for* the  
34 following types of credentials to applicants whose preparation and  
35 competence satisfy ~~its~~ *all applicable* standards:

36 (1) Basic teaching credentials for teaching in kindergarten, or  
37 any of the grades 1 to 12, inclusive, in public schools in this state.

38 (2) Credentials for teaching adult education classes and  
39 vocational education classes.

(3) Credentials for teaching specialties, including, but not necessarily limited to, bilingual education, early childhood education, and special education. ~~The commission may grant credentials to any~~ *An institution of higher education or a county board of education, as applicable, shall approve the credential application of a candidate who concurrently meets the commission's applicable standards of preparation and competence for the preliminary basic teaching credential and the preliminary specialty credential.*

(4) Credentials for school services, for positions including, but not limited to, administrators, school counselors, speech-language therapists, audiologists, school psychologists, library media teachers, supervisors of attendance, and school nurses.

The commission may establish standards and requirements for preliminary and professional credentials of each type.

(c) Review and, if necessary, revise the code of ethics for the teaching profession.

(d) Establish standards for the issuance and renewal of credentials, certificates, and permits. In setting standards, the commission shall seek to ensure, ~~through its credentialing of teachers,~~ that public school teachers satisfy all of the following criteria:

(1) Are academically talented.

(2) Are knowledgeable of the subjects to be taught in the classroom.

(3) Are creative and energetic.

(4) Have the human skills to motivate and inspire pupils to achieve their goals.

(5) Have the sensitivity to foster self-esteem in pupils through recognition that each pupil has his or her own goals, talents, and levels of development.

(6) Be willing to relate the educational process and their instructional strategies to meet pupils' needs.

(7) Are able to work effectively with and motivate pupils from a variety of ethnic, socioeconomic, cultural, academic, and linguistic backgrounds.

(8) Have an understanding of principles and laws related to educational equity, and the equitable practice of the profession of education among all pupils regardless of their ethnicity, race,

1 gender, age, religious background, primary language, or  
2 handicapping condition.

3 (e) Determine the scope and authorization of credentials, to  
4 ensure competence in teaching and other educational services, and  
5 establish sanctions for the misuse of credentials and the  
6 misassignment of credential holders. The commission may grant  
7 an added or supplementary authorization to a credential holder  
8 who has met the requirements and standards of the commission  
9 for the added or supplementary authorization. The commission  
10 shall exempt the holder of a teaching credential obtained prior to  
11 January 1, 1974, who adds an authorization by successfully  
12 completing a commission approved subject matter examination,  
13 from the requirements of subdivision (e) of Section 44259 and  
14 ~~Sections Section 44261, 44261.5, and 44261.7.~~

15 (f) Collect, compile, and disseminate information regarding  
16 exemplary practices in supporting and assessing beginning teachers.

17 (g) Establish alternative methods for entry into the teaching  
18 profession, and into other certificated roles in the schools, by  
19 persons in varying circumstances, including persons who have  
20 been educated outside of California, provided that each applicant  
21 satisfies all of the requirements established by the commission.  
22 One alternative method shall be the successful completion of at  
23 least two years of classroom instruction under a district intern  
24 certificate, pursuant to Article 7.5 (commencing with Section  
25 44325). In establishing alternative methods for entry into the  
26 teaching profession, the commission shall develop strategies to  
27 encourage classroom aides to become credentialed teachers.

28 (h) Adopt a framework and general standards for the  
29 accreditation of preparation programs for teachers and other  
30 certificated educators pursuant to Article 7 (commencing with  
31 Section 44320).

32 (i) Appoint classroom teachers, school administrators, other  
33 school services personnel, representatives of the public, and public  
34 or private higher education representatives to one or more standing  
35 committees, which shall be given authority to recommend to the  
36 commission standards relating to examinations, performance  
37 assessments, program accreditation, and licensing. The commission  
38 shall establish criteria for membership on those committees, and  
39 shall determine the terms of committee members. Appointments  
40 to standing committees by the commission shall reflect, to the

1 extent feasible, the ethnic and cultural diversity of the California  
2 public schools.

3 (j) Consult with classroom teachers, faculty members from  
4 institutions of higher education that maintain accredited programs  
5 of professional preparation for teachers, administrators or other  
6 school services personnel, and other experts to aid in the  
7 development of examinations and assessments, and to study the  
8 impact of examinations and assessments on the teaching profession.  
9 To increase the fairness of its certification decisions on credential  
10 applications, ~~the commission~~ *an institution of higher education*  
11 *or a county board of education, as applicable,* may uniformly  
12 consider the results of tests, subtests, and assessments in  
13 conjunction with each other, and in conjunction with other pertinent  
14 information about the qualifications of each candidate. ~~The~~  
15 ~~commission~~ *An institution of higher education or a county board*  
16 *of education, as applicable, may award* approve applications for  
17 credentials on the basis of average overall performances by  
18 candidates on several criteria of professional competence, provided  
19 that each candidate meets minimum standards set by the  
20 commission on each criterion.

21 (k) Adopt standards for all examinations and assessments which  
22 shall ensure that all prospective teachers demonstrate an  
23 understanding of the history and cultures of the major ethnic  
24 populations of this state and of teaching strategies for the  
25 acquisition of English language skills by non-English-speaking  
26 pupils.

27 (l) Determine the terms of credentials, certificates, and permits,  
28 except that no credential, certificate, or permit shall be valid for  
29 more than five years from the date of issuance. This article shall  
30 govern the issuance of any credential, certificate, or permit, except  
31 as follows:

32 (1) A credential, certificate, or permit shall remain in force as  
33 long as it is valid and continues to be valid under the laws and  
34 regulations that were in effect when it was issued.

35 (2) The commission shall grant teaching credentials pursuant  
36 to statutes that were in effect on December 31, 1988, to candidates  
37 who, prior to the effective date of regulations to implement  
38 subdivision (a), are in the process of meeting the requirements for  
39 teaching credentials that were in effect on December 31, 1988,  
40 except that neither enrollment as an undergraduate student nor



1 receipt of a baccalaureate degree from a regionally accredited  
2 institution prior to the effective date of the regulations shall, by  
3 themselves, exempt a candidate from the requirements of  
4 subdivision (a). Enrollment in a preparation program for teachers  
5 prior to the effective date of the regulations shall not exempt a  
6 candidate from the requirements of paragraph (2) of subdivision  
7 (a), if the candidate's preliminary credential was granted after the  
8 effective date of the regulations.

9 (m) Review requests from school districts, county offices of  
10 education, private schools, ~~postsecondary~~ *institutions of higher*  
11 *education*, and individual applicants for the waiver of one or more  
12 of the provisions of this chapter or other provisions governing the  
13 preparation or licensing of educators. The commission may grant  
14 a waiver upon its finding that professional preparation equivalent  
15 to that prescribed under the provision or provisions to be waived  
16 will be, or has been, completed by the credential candidate or  
17 candidates affected or that a waiver is necessary to accomplish  
18 any of the following:

19 (1) Give a local education agency one semester or less to address  
20 unanticipated, immediate, short-term shortages of fully qualified  
21 educators by assigning a teacher who holds a basic teaching  
22 credential to teach outside of his or her credential authorization,  
23 with the teacher's consent.

24 (2) Provide credential candidates additional time to complete a  
25 credential requirement.

26 (3) Allow local school districts or schools to implement an  
27 education reform or restructuring plan.

28 (4) Temporarily exempt from a specified credential requirement  
29 small, geographically isolated regions with severely limited ability  
30 to develop personnel.

31 (5) Provide other temporary exemptions when deemed  
32 appropriate by the commission.

33 No provision in this chapter may be waived under Section 33050  
34 and 33051, after June 30, 1994, by the State Board of Education.

35 (n) It is the intent of the Legislature that the commission develop  
36 models for voluntary use by California colleges and universities  
37 ~~which~~ *that* do not have these models in place, to assist in the  
38 screening of applications for admission to teacher education  
39 programs. The models shall give emphasis to the following  
40 qualifications of the applicants: academic talent, knowledge of

1 subjects to be taught, basic academic skills, creativity, experience  
2 in working with children and adolescents, ability to motivate and  
3 inspire pupils, and willingness to relate education to pupils with  
4 a wide variety of cultural, ethnic, and academic backgrounds. The  
5 commission may continue to administer the state basic skills  
6 proficiency test, ~~in order (1) to utilize the results of this test in~~  
7 ~~awarding~~ *for purposes of the approval of applications for*  
8 *preliminary teaching credentials and, utilizing the results of that*  
9 *test in awarding emergency permits, and (2) to enable colleges*  
10 ~~and universities enabling institutions of higher education~~ to utilize  
11 this test in conjunction with other appropriate sources of  
12 information in teacher preparation admission decisions. However,  
13 it is the intent of the Legislature that applicants for admission to  
14 teacher preparation programs may not be denied admission solely  
15 on the basis of state basic skills proficiency test results. The  
16 commission may recover the costs of administering and developing  
17 the test by charging examinees a fee for taking the test.

18 (o) It is the intent of the Legislature that the commission  
19 ~~encourage colleges and universities~~ *institutions of higher education*  
20 to design and implement, by August 1, 1990, concentrated  
21 internship programs for persons who have attained a bachelor's  
22 degree in the field in which they intend to teach. Those programs  
23 would be targeted at subject area shortages, would substitute for  
24 conventional training programs, and would include a full summer  
25 session of college level coursework, a one-year internship, or the  
26 equivalent, a seminar throughout the internship, and a summer  
27 session following the internship. Educator preparation through  
28 internship programs shall be subject to Article 10 (commencing  
29 with Section 44370).

30 (p) Grant a field placement certificate to any candidate who has  
31 been admitted to an accredited program of professional preparation,  
32 and who must complete a supervised practicum in public  
33 elementary or secondary schools as a condition for completion of  
34 the program. The commission shall establish standards for the  
35 issuance of field placement certificates.

36 (q) Propose appropriate rules and regulations to implement the  
37 ~~act which~~ *that* enacts this section.

38 (r) Adopt subject matter assessments for teaching credentials  
39 after developing those assessments jointly with the Superintendent  
40 ~~of Public Instruction.~~

1     (s) *Develop procedures requiring applicants for teaching*  
2     *credentials to initiate all requests for criminal record summary*  
3     *information through the county office of education pursuant to*  
4     *Section 44340.5.*

5     SEC. 3. Section 44225.1 is added to the Education Code, to  
6     read:

7     44225.1. (a) Notwithstanding any other provision of law, the  
8     commission shall issue a teaching credential to an applicant if both  
9     of the following conditions are satisfied:

10    (1) The county board of education issued a temporary certificate  
11    to the applicant pursuant to Section 44332.

12    (2) The county board of education conducted a review of the  
13    applicant's credential application equivalent to the review  
14    conducted by an institution of higher education pursuant to Section  
15    44227 and determined that the applicant meets all applicable  
16    requirements for the issuance of the type of credential for which  
17    he or she is applying.

18    (b) It is the intent of the Legislature that the commission not  
19    duplicate the efforts of county boards of education in reviewing  
20    credential applications pursuant to Section 44332.

21    (c) The commission shall adopt regulations to implement this  
22    section.

23    SEC. 4. Section 44227 of the Education Code is amended to  
24    read:

25    44227. (a) The commission may approve any institution of  
26    higher education to ~~recommend to the commission the issuance~~  
27    ~~of credentials to review and approve the credential applications~~  
28    of persons who have successfully completed a teacher education  
29    program of the institution if the program meets the standards  
30    approved by the commission.

31    (b) An institution of higher education whose teacher education  
32    program has been accredited by the commission shall approve and  
33    electronically submit credential applications to the commission,  
34    and the commission shall ~~grant~~ *issue* credentials to these applicants  
35    based upon that approval. *It is the intent of the Legislature that*  
36    *the commission not duplicate the efforts of institutions of higher*  
37    *education in reviewing and approving credential applications*  
38    *pursuant to this section.*

39    (c) Notwithstanding any provision of law to the contrary, the  
40    commission may approve for credit any coursework completed

1 for credential purposes or for step increases in programs offered  
2 in California by out-of-state institutions of higher education that  
3 meet the requirements prescribed by Chapter 7 (commencing with  
4 Section 94700) of Part 59 only if the program of courses is offered  
5 by a regionally accredited institution and evidence of satisfactory  
6 evaluation by that accrediting body is submitted by the out-of-state  
7 institution to the commission for purposes of seeking approval of  
8 the program and any courses within that program to enable  
9 potential teachers to meet one or more requirements for a teaching  
10 credential in California.

11 *(d) The commission shall adopt regulations to implement this*  
12 *section.*

13 SEC. 5. Section 44332 of the Education Code is amended to  
14 read:

15 44332. (a) Except where that service is provided by a school  
16 district authorized to register certification documents pursuant to  
17 Section 44332.5, ~~each a county or city and county~~ board of  
18 education may issue temporary certificates for the purpose of  
19 authorizing salary payments to certified employees whose  
20 credential applications are being processed or to personnel  
21 employed in children's centers or other preschool educational  
22 programs whose permit applications are being processed. However,  
23 the individual must have demonstrated proficiency in basic reading,  
24 writing, and mathematic skills pursuant to the requirements of  
25 Section 44252.5. ~~The~~ *An applicant for a credential shall file his*  
26 *or her credential application directly with the board of education.*  
27 *The county board of education shall review, approve, and*  
28 *electronically submit credential applications received pursuant to*  
29 *this section to the commission. A permit applicant who is applying*  
30 *for the a temporary certificate shall make a statement under oath*  
31 *that he or she has duly filed an application for a credential or permit*  
32 *together with the required fee and. A credential or permit applicant*  
33 *who is applying for a temporary certificate shall make a statement*  
34 *under oath that, to the best of his or her knowledge, no reason*  
35 *exists why a certificate or permit should not be issued. The*  
36 *certificate or permit shall be valid for not more than one calendar*  
37 *year from the date of issuance.*

38 (b) The county ~~or city and county~~ board of education shall cancel  
39 ~~the a temporary certificate or permit~~ immediately upon receipt of  
40 *doing either of the following:*

1     (1) *Receiving* certification in writing from the commission that  
2 ~~the~~ *an* applicant for a permit apparently does not possess adequate  
3 academic qualifications or apparently has a criminal record that  
4 would disqualify the applicant.

5     (2) *Determining that an applicant for a credential apparently*  
6 *does not possess adequate academic qualifications or apparently*  
7 *has a criminal record that would disqualify the applicant.*

8     (c) A temporary certificate issued to a permit applicant is not  
9 valid beyond the time that the commission either issues or denies  
10 the originally requested permit. A temporary certificate issued to  
11 a credential applicant is not valid beyond the time that the  
12 ~~commission provides written notification to the county or city and~~  
13 ~~county~~ board of education *determines* that the applicant apparently  
14 does not possess adequate qualifications, ~~that or the commission~~  
15 ~~has received facts that may cause denial of the application, or~~  
16 ~~issues or denies the originally requested a credential.~~

17     (d) A ~~county or city and county~~ board of education may not  
18 issue a temporary certificate to an applicant whose teaching  
19 credential is revoked or suspended.

20     (e) *The commission shall adopt regulations to implement this*  
21 *section.*

22     SEC. 6. Section 44340 of the Education Code is amended to  
23 read:

24     44340. ~~Each~~ *A first-time* applicant for a credential, ~~or for the~~  
25 ~~renewal of a credential,~~ shall submit *to the appropriate county*  
26 *office of education, in conjunction* with his *or her* application  
27 duplicate personal identification cards ~~provided by the commission~~  
28 upon which shall appear the legible fingerprints and a personal  
29 description of the applicant.

30     ~~The commission is authorized to, and shall adopt such regulations~~  
31 ~~as may in its judgment be necessary for the administration of to~~  
32 *implement this section.*

33     SEC. 7. Section 44340.1 is added to the Education Code, to  
34 read:

35     44340.1. (a) Notwithstanding any other provision of law, the  
36 county office of education shall perform the following school  
37 personnel certification functions for all school districts within its  
38 jurisdiction:

39     (1) Sending fingerprints to the Department of Justice and the  
40 Federal Bureau of Investigation.

1 (2) Receiving reports of convictions of serious and violent  
2 felonies.

3 (3) Reviewing criminal history records and reports of subsequent  
4 arrests from the Department of Justice and the Federal Bureau of  
5 Investigation.

6 (4) Maintaining common lists of persons eligible for  
7 employment.

8 (b) The county office of education shall perform the functions  
9 described in paragraphs (1), (2), and (3) of subdivision (a) for  
10 applicants for credentials and credential renewals.

11 (c) The county office of education shall be considered the  
12 employer for purposes of subdivisions (a), (d), and (g) of Section  
13 44830.1.

14 (d) Upon receipt from the Department of Justice or the Federal  
15 Bureau of Investigation of a report of conviction of a serious or  
16 violent felony, the county office of education shall communicate  
17 that fact to the school district and remove the affected employee  
18 from the common list of persons eligible for employment.

19 (e) Upon receipt from the Department of Justice or the Federal  
20 Bureau of Investigation of a criminal history record or report of  
21 subsequent arrest for any person on a common list of persons  
22 eligible for employment, the county office of education shall give  
23 notice to the district superintendent or a person designated in  
24 writing by that superintendent, that the report is available for  
25 inspection on a confidential basis by the superintendent or  
26 authorized designee, at the county office of education, for a period  
27 of 30 days following receipt of notice, to enable the employing  
28 school district to determine whether the employee meets the criteria  
29 for continued employment of that district. The county office of  
30 education shall not release a copy of that information to the school  
31 district or any other person, shall retain or dispose of the  
32 information in the manner required by law after the school district  
33 has had an opportunity to inspect it in accordance with this section,  
34 and shall maintain a record of all persons to whom the information  
35 has been shown that shall be available to the Department of Justice  
36 and the Federal Bureau of Investigation to monitor compliance  
37 with the requirements of confidentiality contained in this section.

38 (f) A county office of education processing Department of  
39 Justice and Federal Bureau of Investigation responses pursuant to  
40 this section shall submit an interagency agreement to the

1 Department of Justice and the Federal Bureau of Investigation to  
2 establish authorization to submit and receive information pursuant  
3 to this section.

4 (g) All information obtained by a county office of education  
5 from the Department of Justice and the Federal Bureau of  
6 Investigation pursuant to this section is confidential. A county  
7 office of education handling Department of Justice and Federal  
8 Bureau of Investigation information shall ensure all of the  
9 following:

10 (1) No recipient may disclose its contents or provide copies of  
11 information.

12 (2) Information received shall be stored in a locked file separate  
13 from other files, and shall only be accessible to the custodian of  
14 records.

15 (3) Information received pursuant to subdivision (a) shall be  
16 destroyed upon the hiring determination in accordance with  
17 subdivision (a) of Section 708 of Title 11 of the California Code  
18 of Regulations.

19 (4) Compliance with destruction, storage, dissemination,  
20 auditing, backgrounding, and training requirements as set forth in  
21 Sections 700 to 710, inclusive, of Title 11 of the California Code  
22 of Regulations and Section 11077 of the Penal Code governing  
23 the use and security of criminal offender record information is the  
24 responsibility of the county office of education receiving the  
25 information from the Department of Justice and the Federal Bureau  
26 of Investigation.

27 (h) It is the intent of the Legislature in enacting this section to  
28 establish the county office of education as the central clearinghouse  
29 for school districts within its jurisdiction for all functions  
30 supporting the issuance and maintenance of certificates of  
31 clearance, and for all functions supporting the issuance and  
32 maintenance of certificates of clearance for applications for  
33 teaching credentials and credential renewals submitted to the  
34 county office of education or an institution of higher education by  
35 residents of the county.

36 (i) The commission shall adopt regulations to implement this  
37 section.

38 SEC. 8. Section 44830.2 of the Education Code is amended to  
39 read:

1 44830.2. (a) For situations in which a person is an applicant  
2 for employment, or is employed on a part-time or substitute basis,  
3 in a position requiring certification qualifications in multiple school  
4 districts within a county or within contiguous counties, the districts  
5 *and the county offices of education* may agree among themselves  
6 to designate a single district, ~~or a county superintendent may agree~~  
7 ~~to act on behalf of participating districts within the county or~~  
8 ~~contiguous counties;~~ *county office of education* for the purposes  
9 of performing the following functions:

10 (1) Sending fingerprints to the Department of Justice *and the*  
11 *Federal Bureau of Investigation*.

12 (2) Receiving reports of convictions of serious and violent  
13 felonies.

14 (3) Reviewing criminal history records and reports of subsequent  
15 arrests from the Department of Justice *and the Federal Bureau of*  
16 *Investigation*.

17 (4) Maintaining common lists of persons eligible for  
18 employment.

19 (b) ~~The school district or county superintendent~~ *county office*  
20 *of education* serving in the capacity authorized in subdivision (a)  
21 shall be considered the employer for purposes of subdivisions (a),  
22 (d), and (g) of Section 44830.1.

23 (c) Upon receipt from the Department of Justice *or the Federal*  
24 *Bureau of Investigation* of a report of conviction of a serious or  
25 violent felony, the designated ~~school district or county~~  
26 ~~superintendent~~ *county office of education* shall communicate that  
27 fact to the participating districts and remove the affected employee  
28 from the common list of persons eligible for employment.

29 (d) Upon receipt from the Department of Justice *or the Federal*  
30 *Bureau of Investigation* of a criminal history record or report of  
31 subsequent arrest for any person on a common list of persons  
32 eligible for employment, the designated ~~school district or county~~  
33 ~~superintendent~~ *county office of education* shall give notice to the  
34 superintendent of any participating district or a person designated  
35 in writing by that superintendent, that the report is available for  
36 inspection on a confidential basis by the superintendent or  
37 authorized designee, ~~at the office of the designated school district~~  
38 ~~or county superintendent~~ *county office of education*, for a period  
39 of 30 days following receipt of notice, to enable the employing  
40 school district to determine whether the employee meets that



1 district's criteria for continued employment. The designated ~~school~~  
2 ~~district or county superintendent~~ *county office of education* shall  
3 not release a copy of that information to any participating district  
4 or any other person, shall retain or dispose of the information in  
5 the manner required by law after all participating districts have  
6 had an opportunity to inspect it in accordance with this section,  
7 and shall maintain a record of all persons to whom the information  
8 has been shown that shall be available to the Department of Justice  
9 *and the Federal Bureau of Investigation* to monitor compliance  
10 with the requirements of confidentiality contained in this section.

11 (e) ~~Any agency~~ *A county office of education* processing  
12 Department of Justice *and Federal Bureau of Investigation*  
13 responses pursuant to this section shall submit an interagency  
14 agreement to the Department of Justice to establish authorization  
15 to submit and receive information pursuant to this section.

16 (f) All information obtained *by a county office of education*  
17 from the Department of Justice *and the Federal Bureau of*  
18 *Investigation pursuant to this section* is confidential. Every agency  
19 handling Department of Justice *and Federal Bureau of*  
20 *Investigation* information shall ensure *all of* the following:

21 (1) ~~No~~ *A recipient may* shall not disclose its contents or provide  
22 copies of information.

23 (2) Information received shall be stored in a locked file separate  
24 from other files, and shall only be accessible to the custodian of  
25 records.

26 (3) Information received shall be destroyed upon the hiring  
27 determination in accordance with subdivision (a) of Section 708  
28 of Title 11 of the California Code of Regulations.

29 (4) Compliance with destruction, storage, dissemination,  
30 auditing, backgrounding, and training requirements as set forth in  
31 Sections 700 through ~~708~~ 710, inclusive, of Title 11 of the  
32 California Code of Regulations and Section 11077 of the Penal  
33 Code governing the use and security of criminal offender record  
34 information is the responsibility of the ~~entity~~ *county office of*  
35 *education* receiving the information from the Department of Justice  
36 *and the Federal Bureau of Investigation*.

37 SEC. 9. If the Commission on State Mandates determines that  
38 this act contains costs mandated by the state, reimbursement to  
39 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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